



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

NALAYSIA GRAVELY

Plaintiff,

v.

UNKNOWN AGENTS OF THE UNITED STATES MARSHALS SERVICE,

Defendants.

Civil Action No. 2:25-cv-00255

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (BIVENS ACTION)

JURY TRIAL DEMANDED

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 1331 and Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971), for violations of the U.S. Constitution by federal agents acting under color of federal law.
2. Venue is proper under 28 U.S.C. § 1391(b) because the events occurred in Kanawha County, West Virginia, within this District.

II. PARTIES

3. Nalaysia Gravely is a resident of Charleston, West Virginia and the mother of two minor children M. [REDACTED] D. [REDACTED] and A. [REDACTED] D. [REDACTED]. She brings this action on behalf of herself for violations of her federal constitutional rights, and the rights of her children.
4. Defendants: Plaintiff brings this action against unknown U.S. Marshals, sued herein under the fictitious names John Doe 1, John Doe 2, John Doe 3, and so forth. The true

names and identities of these individuals are presently unknown to the Plaintiff. These Defendants were acting under color of federal law and within the scope of their employment with the United States Marshals Service at all relevant times.

Plaintiff will seek leave of court to amend this Complaint to substitute the true names and capacities of these individuals once they are identified during discovery. Each John Doe Defendant is believed to have directly participated in, ordered, failed to intervene in, or was otherwise complicit in the unlawful actions described in this Complaint.

III. FACTS

5. On April 17, 2023, Plaintiff was at work when she received a call from her sister NaAysia Gravely, who was babysitting Plaintiff's 3-year-old son M█████D█████ at Plaintiff's apartment at Village Hill Apartments in Cross Lanes, West Virginia.
6. U.S. Marshals forcibly entered the residence with guns drawn, terrorizing her sister and minor child.
7. Plaintiff immediately left work to investigate. Upon arrival, she found her front door off its hinges and her son visibly traumatized.
8. While driving toward the leasing office, Plaintiff and her family were stopped by U.S. Marshals, who drew weapons on her vehicle and arrested her without probable cause.
9. Plaintiff was falsely accused of harboring a fugitive and arrested, along with her father and sister, without an arrest warrant or any reasonable suspicion.
10. Her son was seized by Child Protective Services (CPS), without allowing Plaintiff the opportunity to call a family member or designate a caretaker.
11. Despite family members contacting CPS and offering to take custody, the child was placed with strangers in foster care.
12. Plaintiff's daughter was also later seized without lawful basis.

13. Plaintiff was incarcerated under a \$2,000 bond for “obstruction,” a charge later shown to be without merit.
14. Plaintiff suffered emotional trauma, job-related consequences, and separation from her children—all stemming from unconstitutional conduct by the Defendants.

IV. CLAIMS FOR RELIEF

Count I – Fourth Amendment – Unlawful Search and Seizure (Bivens)

15. Defendants violated Plaintiff’s Fourth Amendment rights by forcibly entering her home without a warrant, probable cause, or exigent circumstances.

Count II – Fourth Amendment – Excessive Force

16. Defendants used unnecessary and unreasonable force by pointing firearms at Plaintiff and her minor son.

Count III – Fourth Amendment – False Arrest

17. Plaintiff was arrested without a warrant or probable cause, in violation of the Fourth Amendment.

Count IV – Fourteenth Amendment – Due Process

18. Plaintiff’s right to familial association and custody of her children was violated without notice, hearing, or judicial review.

Count V – Emotional Distress and Trauma

19. Plaintiff suffered severe emotional and psychological distress, loss of employment opportunities, and social consequences from the unconstitutional actions.

V. RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that the Court grant the following relief in the matter against the U.S. Marshals:

1. Compensatory Damages in the amount of \$1,000,000 to \$2,500,000 for the emotional distress, trauma, and harm caused by the unlawful entry into Plaintiff's home, the wrongful arrest of Plaintiff and her family, the child separation, psychological harm, loss of property (including Plaintiff's phone), and reputational harm.
2. Punitive Damages in the amount of \$250,000 to \$1,000,000 to punish the U.S. Marshals for their willful, wanton, and egregious conduct in violating Plaintiff's constitutional rights, and to deter similar conduct by government agents in the future.
3. Injunctive Relief in the form of an order:
 - Directing the expungement of all records related to the arrest and child removal, including those held by the U.S. Marshals.
 - Requiring the U.S. Marshals to publicly acknowledge the constitutional violations and wrongful conduct in this case.
4. Any other relief that the Court deems just and proper to compensate Plaintiff for the harm caused and ensure future protection of Plaintiff's constitutional rights.

JURY TRIAL DEMANDED

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,

Nalaysia Gravely

Charleston West Virginia

Nalaysia Gravely 4-17-25
1628 Mountain Rd
Charleston WV 25303
304-539-2070
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CERTIFICATE OF SERVICE

I hereby certify that on this 17 day of April, 2025, I mailed a true and correct copy of the Complaint and all accompanying documents, including the civil cover sheet, summons, and exhibits, via certified mail to:

- Office of the United States Attorney

Southern District of West Virginia

300 Virginia Street East, Room 4000

Charleston, WV 25301

- Attorney General of the United States

U.S. Department of Justice

950 Pennsylvania Avenue NW

Washington, DC 20530-0001

- United States Marshals Service

U.S. Department of Justice

Washington, DC 20530-0001

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Nalaysia Gravely

I declare under penalty of perjury that the foregoing is true and correct.

Date: 4-17-25

Signature: Nalaysia Gravely

Printed Name: Nalaysia Gravely

Address: 1028 Mountain Rd Charleston WV 25303

Phone: 304-539-2070

Email: Gnalaysia@yahoo.com